

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

Upon entry of this Amendment, claims 2-6, 8-13, 16, and 17 will be pending in the present application. Claims 1 and 14 have been cancelled by this Amendment. Claims 7 and 15 were cancelled in a previous Amendment.

Applicant notes with appreciation the Examiner's indication that claims 2-6 would be allowable if rewritten in independent form. Applicant has adopted the Examiner's suggestion and rewritten claim 2 in independent form. Claims 3-5 depend from claim 2. Applicant notes that claim 6 is already written as an independent claim. Applicant assumes that the Examiner erroneously included claim 6 in the list of claims that need to be written in independent form in order to be allowed.

Claims 8-13 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully submits that the above amendment to the claims correct the specific deficiencies cited by the Examiner. For example, claim 8 has been amended to depend from independent claim 6. Also, claim 9 has been amended to define the "patient circuit" as a "gas carrying conduit." This change is believed to more clearly recite the tubing or other structure illustrated schematically in FIG. 1 of the present application as gas supply conduit 26 that communicates gas to and from the mask. Accordingly, applicant respectfully requests that the above rejection of claim 8-13 be withdrawn.

Claim 1 stands rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,615,834 to Gradon et al. ("the '834 patent"). Applicant respectfully submits that this rejection has been rendered moot due to the cancellation of claim 1 from the present application. Please note that the applicant reserves the right to pursue claim coverage commensurate with that of cancelled claim 1 in a Continuing application, if so desired.

Claims 14 and 16-17 stand rejected under 35 U.S.C. § 102 as being anticipated by European Patent No. EP 0 958 841 to Genger et al. ("the '841 patent"). As to claim 14, applicant

respectfully submits that this rejection has been rendered moot due to the cancellation of this claim from the present application. Applicant again reserves the right to pursue claim coverage commensurate with that of cancelled claim 14 in a Continuing application, if so desired.

With respect to independent method claims 16 and 17, applicant submits that the above amendments to these claims clarify the features of the present invention that are not taught or suggested by the cited references. In particular, these claims have been amended to clarify the order in which the steps recited in these claims occur and/or are preformed. Applicant submits that the '841 patent does not teach or suggest a method of donning or removing a gas delivery mask as recited by the steps set forth in amended independent claims 16 and 17.

For the reasons presented above, applicant respectfully submits that independent claims 16 and 17 are not anticipated or rendered obvious by the cited references. Claim 14 has been cancelled. Accordingly, applicant respectfully requests that the above rejection of claims 14, 16, and 17 be withdrawn.

This response is being filed within the three-month statutory response period which expires on December 23, 2005. In addition, no additional claim fees are believed to be required as a result of the above amendments to the claims. Nevertheless, the Commission is authorized to charge the any fee required under 37 C.F.R. §§ 1.16 or 1.17 to deposit account no. 50-0558.

All objections and rejections have been addressed. It is respectfully submitted that the present application is in condition for allowance and a Notice to the effect is earnestly solicited.

Respectfully submitted,

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